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COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

November 14, 2012 Agenda Item No. 2

SUBJECT: 214 Marguerite Avenue Condo Conversion - (PA2012-133)

Condominium Conversion No. CC2012-003

APPLICANT: Marguerite Development, LLC

PLANNER: Benjamin M. Zdeba, Assistant Planner

(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

• **Zone:** R-2 (Two-Unit Residential)

• **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A condominium conversion permit application to convert an existing duplex into a twounit condominium development. Parcel Map No. NP2007-035 for two-unit condominium purposes was previously approved and recorded. The condominium conversion will allow the rental units to be sold separately.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Condominium Conversion No. CC2012-003 and No. (Attachment No. ZA 1).

DISCUSSION

- A duplex was constructed on the property in 1952.
- On January 28, 2008, County Parcel Map No. 2007-229 was approved for twounit condominium purposes in conjunction with the demolition of the existing duplex and construction of a new duplex built to condominium standards.
- The plan check for the new duplex expired in October of 2008.

- A building permit for a remodel and 1,398-square-foot addition to the existing, 1952 duplex was issued on August 30, 2011 to bring the development to condominium standards with separate utilities and all required parking. Said permit subsequently received final inspection on August 23, 2012.
- County Parcel Map No. 2007-229 was recorded on September 20, 2012, after the building permit received final status. Accordingly, a condominium conversion permit is required.
- A Condominium Conversion Inspection Report was prepared on October 22, 2012, to confirm the duplex complies with condominium standards.

ENVIRONMENTAL REVIEW

The project qualifies for Class 1 (Existing Facilities) categorical exemption, Section 15301of the California Environmental Quality Act because this class includes the division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.

PUBLIC NOTICE

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet (excluding intervening rights-of-way and waterways) of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

<u>APPEAL PERIOD</u>: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:

Benjamin M. Zdeba Assistant Planner

GR/bmz

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map

ZA 3 County Tentative Parcel Map No. 2007-229

ZA 4 Duplex (Condo) Plans

Draft Resolution

RESOLUTION NO. ZA2012-DRAFT

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING CONDOMINIUM CONVERSION NUMBER CC2012-003 FOR A TWO-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 214 MARGUERITE AVENUE (PA2012-133)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Frank Ultimo on behalf of Marguerite Development, LLC, with respect to property located at 214 Marguerite Avenue, and legally described as Parcel 1 of Parcel Map No. 2007-229, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 374, Pages 39 through 41 of Parcel Maps, in the office of the County Recorder of said county.
- 2. The applicant requests a condominium conversion to convert an existing duplex that was remodeled to condominium standards in 2012 to a two-unit condominium project.
- 3. The subject property is located within the R-2 (Two-Unit Residential) Zoning District and the General Plan Land Use Element category is RT (Two-Unit Residential).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential).
- 5. A public hearing was held on November 14, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines Class 1 (Existing Facilities). The Class 1 exemption includes the division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- 2. The proposed project involves the conversion of an existing duplex into a two-unit condominium development.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.64.070 (Standards for Condominium Conversions) of the Newport Beach Municipal Code, the following finding is set forth:

Finding

A. The minimum number, and the design and location of off-street parking spaces shall be provided in conformance with the provisions of the Zoning Ordinance in effect at the time of approval of the conversion.

Facts in Support of Finding

- 1. The existing, remodeled duplex consists of 3,666 square feet including two, single-car garages and two covered spaces.
- 2. The four spaces provided meet the number of spaces required (2 per unit) by the Chapter 20.40 (Off-Street Parking) of the Zoning Ordinance.

Finding

B. Each dwelling unit within a building shall have a separate sewer connection to the City sewer.

Facts in Support of Finding

1. The remodeled duplex was altered such that it has two separate sewer connections to the City sewer.

Finding

C. Each sewer lateral shall be retrofitted/fitted with a cleanout at the property line.

Facts in Support of Finding

1. The remodeled duplex was altered such that it has two separate sewer cleanouts located at the property line.

Finding

D. Each unit shall maintain a separate water meter and water meter connection.

Facts in Support of Finding

1. The remodeled duplex was altered such that it has two separate water meters and water meter connections.

Finding

E. The electrical service connection shall comply with the requirements of Chapter 15.32 (Underground Utilities) of the Newport Beach Municipal Code.

Facts in Support of Finding

1. The remodeled duplex was altered such that the electrical service connection complies with the requirements of Chapter 15.32.

<u>Finding</u>

F. The applicant for a condominium conversion shall request a special inspection from the Building Division for the purpose of identifying any building safety violations. The applicant shall correct all identified safety violations prior to approval of a final map for the condominium conversion.

Facts in Support of Finding

1. A special inspection was completed by the Building Division on October 22, 2012, and no violations were identified.

<u>Finding</u>

G. Permanent lot stakes and tags shall be installed at all lot corners by a licensed surveyor or civil engineer unless otherwise required by the City Engineer.

Facts in Support of Finding

1. Condition of approval for Parcel Map No. NP2007-035 (PA2007-250) required stakes and tags to be installed at all lot corners prior to recordation. Satisfaction of this condition of approval was verified prior to release of the parcel map for recordation.

Finding

H. For residential conversions, the project shall be consistent with the adopted goals and policies of the General Plan, particularly with regard to the balance and dispersion of housing types within the City.

Facts in Support of Finding

1. The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan and the Local Coastal Program Land Use Plan. The project site is designated as RT (Two-Unit Residential) by the Land Use Element of the General Plan and as RT-E (Two-Unit Residential) by the Coastal Land Use Plan (CLUP). The proposed project is consistent with the RT land use category, which is intended to provide for a range of two-family dwelling units such as duplexes and townhomes.

2. An existing, remodeled two-unit dwelling rental will be converted into a two-unit condominium project. The residential density on the site will remain the same.

<u>Finding</u>

I. The establishment, maintenance or operation of the use or building applied for shall not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Facts in Support of Finding

- 1. The application of the project conditions will ensure the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood and the City.
- 2. The proposed project is to convert and existing, remodeled duplex into two condominiums on property located within the R-2 zoning district.
- 3. Public improvements were required of the applicant per the Municipal Code and the Subdivision Map Act during the tentative parcel map approval process in 2008. Said improvements were reviewed and verified by the Public Works Inspector prior to release of the parcel map for recordation.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Condominium Conversion No. CC2012-003 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Department in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF NOVEMBER, 2012.

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EXHIBIT "A"

CONDITIONS OF APPROVAL

- 1. <u>Prior to final of the description change permit</u>, the brick pavers in the area between sidewalk and property line shall be removed.
- 2. <u>Prior to final of the description change permit</u>, the concrete panels within the parkway area shall be removed or replaced with a standard concrete carriage walk; otherwise an encroachment agreement will be required.
- 3. <u>Prior to final of the description change permit</u>, the applicant shall cap the unused sewer lateral at property line and remove existing sewer cleanout.
- 4. Prior to final of the description change permit, A Public Works Department encroachment permit inspection is required before the Building Division permit final can be issued. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site are damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100% paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
- 5. An approved encroachment permit is required for all work activities within the public right-of-way.
- 6. Each unit shall be served by its individual water meter and sewer lateral and cleanout located within the public right-of-way. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
- 7. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
- 8. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Division Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
- 9. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees,

disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Marguerite Avenue Condo Conversion including, but not limited to, the PA2012-133. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.



Vicinity Map

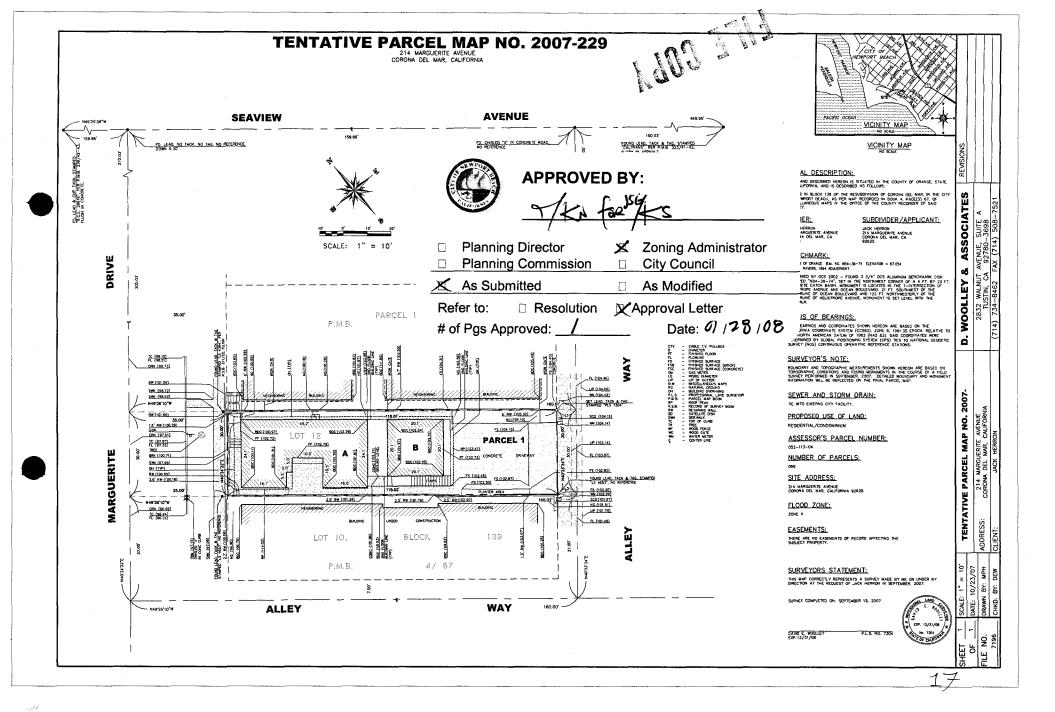
VICINITY MAP



Condominium Conversion No. CC2012-003 PA2012-133

214 Marguerite Avenue

County Tentative Parcel Map No. 2007-229



Duplex (Condo) Plans

